



**Commercial Use of Dedicated Parkland
for Personal Training and Other Outdoor Professional Services
6 Month Park Use Application and Permit**

Type of Permit Requesting

Please check predominant use:

- ☐ Fitness, Cross Training or Professional Exercise Trainer, Medium to High Impact
- ☐ Yoga, Pilates or other Light Impact Trainer
- ☐ Dog Trainer or Other Adult Services
Please define: _____

Dog Training locations are approved on a case by case basis for appropriateness, see rules and regulations for additional information (attached)

Requested Permit Term:

- ☐ January 1 through June 30
- ☐ July 1 through December 31

Requested Park Location(s):

Application Date:

Permit Holder Information

Name: _____

Company Name: _____

Contact Person: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Phone Number: _____ Alternate Phone Number: _____

Fax Number: _____

E-mail Address: _____

Texas Drivers License or Identification Card Number*: _____

Cardio Pulmonary Resuscitation Certification Expiration Date*: _____

General Liability Insurance Provider*: _____

Policy Number: _____

First Aid Certification Expiration Date: _____

****Permit holder must provide documents as verifiable proof before the Park Use Permit may be issued.***

Use Allowed

Programs/activities as described in the program activity description section herein are allowed and must adhere to the rules attached as **EXHIBIT A**. To the extent of any conflict between the program activities authorized in this Permit and other existing uses, the City reserves the right to adjust the uses authorized. This Permit may not be assigned.

Conditions of Permit

- (1) Permit holder shall clean the park location at the end of every session of use under this Permit.
- (2) Modifications or improvements proposed by the permit holder to obtain electric service at any park location are not covered by this permit and must be approved by the City before the proposed modifications or improvements may be made. Additional agreements may be required for proposed modifications or improvements.
- (3) Permit holder shall at all times maintain in their possession the issued permit credential in the manner prescribed by rule by the Director of PARD.
- (4) Permit holder shall not provide and/or facilitate organized or sanctioned activity (i.e. soccer tournaments, disc golf leagues, practice sessions etc).
- (5) Permit holder shall not provide and/or facilitate recreational programming and services for youth including but not limited to camps and instructional clinics.
- (6) Permit holder shall not use the park location if the area has been closed by the City due to inclement weather or other reason. The City will notify the permit holder point of contact of the closure and will post signage at the site to identify the nature and duration of the closure.
- (7) Company/Organization that utilize multiple trainers for a scheduled series of services may consolidate up to three (3) trainers within the \$1,500 cap for each six (6) month permit period. Each individual trainer within this provision will be required to register and pay the registration fee.
- (8) Permit holder shall advise permit holder's employees of the park use policies to ensure that all activities under this permit comply with the park use policies and procedures as set forth in **EXHIBIT A** and general PARD park rules.

Reporting

Permit holder shall provide the PARD point of contact with a monthly report and daily use summary by the 10th day of each month indicating the number of clients participating in the provided service per month under this Registration for the previous month using the Monthly Revenue and Activity Report form attached as **EXHIBIT B** and the Daily Use Summary Report form attached as **EXHIBIT C**.

Payment

In exchange for this permit, permit holder has paid a registration fee of \$50.00. In addition, for every month in which permit holder provides personal training or fitness services to more than three (3) clients per session under this permit, permit holder shall make monthly payments in the amount of 45 cents per client per day based on the revenue schedule included in the Monthly Revenue and Activity Report; provided, however, that the monthly payments may not exceed \$1,500 for any six (6) month period.

Term/Termination

This permit shall be effective from and after the date of signature by the permit holder and the Director of PARD or her designee, and shall automatically terminate on the termination of the requested permit term selected above, unless terminated earlier under this provision.

The Director of PARD may terminate this registration upon seven (7) days notice to the permit holder upon determining that the permit holder caused or allowed others under the permit holder's control to cause damage to the park location beyond normal wear and tear.

If the permit is terminated due to property damage, the City may retain payments made by the permit holder to offset the damages, in addition to pursuing other legal remedies available.

Insurance

Registrant has provided insurance as prescribed by rule by the Director of PARD and agrees to maintain, throughout the permit term, the insurance coverage described on **EXHIBIT D**, which is attached to and made a part of this permit for all purposes. The insurance policies shall contain the correct endorsements in favor of the City of Austin.

Registrant must supply evidence of any required insurance coverage to the PARD Contact when registrant submits the signed application. If the required evidence of insurance is not provided at the time registrant submits this application, execution of the permit by City shall be delayed until adequate evidence is provided. In addition, if at any time during the term of this permit, City or PARD learns that any required insurance coverage has lapsed or been cancelled. City may immediately terminate this permit.

Compliance with City of Austin Rules and Regulations

In addition to the specific rules and regulations established for this permit and use program, applicant acknowledges that each park and permit is subject to general park



rules and regulations as currently exist and as may be adopted administratively or by ordinance by the City of Austin and agrees to abide by these rules and regulations.

Program/Activity Description

Describe the program/activity including number of participants expected:

Describe in detail how the park land, park equipment, and park improvements will be used:

Indemnity/Waiver

Permit holder agrees to indemnify and hold harmless the City of Austin, its agents, employees, and assigns, against any liability based upon the services provided by the permit holder, the issuance of this permit, or the failure of permit holder to comply with the terms of the permit. Permit holder, permit holder's employees, volunteers, and clients waive any right they may have had to sue the City, its officers, employees, and assigns due to conduct under this permit. Permit holder shall communicate the terms of this indemnity and waiver to all permit holder's employees, volunteers, and clients.

Applicant's Verification:

I verify that all of the above information is true. I have also read, understand, and am willing to comply with the park use policies and procedures as set forth by the City of Austin Parks and Recreation Department. I agree to the terms of this six (6) Month Commercial Use of Park Use Permit and am authorized to sign on behalf of the Permit holder.

Signature of Applicant / Printed Name / Date



Please complete this application and return to the address below:

Mailing Address:

City of Austin
Parks and Recreation Department
Attention: Concessions Unit
200 S. Lamar Blvd.
Austin, Texas 78704-1046

Contact: Sonia Freeland

Concessions Specialist

Phone: (512) 974-6792

Fax: (512) 974-6756

E-mail: Sonia.Freeland@austintexas.gov

City of Austin Parks and Recreation Department Approvals: (office use only)

Verified by:

Concession Unit - Signature

Printed Name

Date

Approved by:

City of Austin
Parks and Recreation Department
Director or Designee

Printed Name

Date

Exhibit A

City of Austin

Rules Regarding Commercial Use of Dedicated Parkland

A fee and use policy has been approved and rules developed to establish commercial use and location trends for regularly scheduled adult health and fitness activity in the Austin park system. This program includes revisions that protect the public's use and provides health and fitness consultants, dog trainers, and other outdoor professional service provider's reasonable access, use-based fee structure and equipment limits to minimize damage to Austin parks.

| Section | Description | Proposed Rule or Fee |
|---------|---------------------------------|--|
| 1 | Approved Commercial Use | Fitness Groups, Dog Trainers, Yoga Instruction, and other adult professional fitness services as approved by the Director of Parks and Recreation |
| 2 | Fitness Session | Block of time permit holder is allotted to provide service (2 hour maximum) |
| 3 | Regularly Scheduled Programming | Permit holder plans and schedules a series of fitness sessions occurring in Austin parks (i.e. daily or weekly) |
| 4 | Approved Locations | <p>35 inner city and urban area parks, as listed below, excluding off-leash areas, public walkways, and pre-defined use areas:</p> <ul style="list-style-type: none"> — Auditorium Shores at Town Lake Metropolitan Park — Bailey District Park — Balcones District Park — Battle Bend Park — Beverly S. Sheffield Northwest District Park — Bull Creek District Park — Butler Park (specific approval required) — Circle C. Ranch Metropolitan Park on Slaughter Creek — Davis-White Northeast District Park — Dick Nichols District Park — Dove Springs District Park — Eilers (Deep Eddy) Park — Garrison District Park — Givens District Park — Little Stacy Park — Long Center (specific approval required) — Longview Park — Mable Davis District Park — Mary Moore Searight Metropolitan Park — Onion Creek Metropolitan Park — Palmer Event Center — Pease Park — Ramsey Park — Reed Park — Riata Park — Springwoods Park — Tarrytown Park — Town Lake Metropolitan Park – E.R. Senior at Festival Beach — Town Lake Metropolitan Park – Lakeshore — Town Lake Metropolitan Park – Longhorn Shores |

| Section | Description | Proposed Rule or Fee |
|---------|---|---|
| | | <ul style="list-style-type: none"> – Trailhead Park – Walnut Creek Metropolitan Park – West Enfield Park – Woolridge Park – Zilker Metropolitan Park (specific approval required) |
| 5 | Excluded Areas | <p>Any area specifically dedicated to a use that would reasonably conflict with any approved use is excluded. For example, holding fitness classes in an area dedicated as a children's play area or basketball court is not appropriate.</p> <p>Shared parkland with Austin Independent School District (AISD) will not be an approved location for commercial activity at this time.</p> <p>Due to safety concerns, the hill, fountain, and dock area at Butler Park is excluded from commercial activity.</p> <p>The circular driveway and temporary parking area at The Long Center is excluded from commercial activity.</p> |
| 6 | Approved Equipment | <p>Trainers may not bring equipment to parks that could damage the parkland, facility or pose a hazard to the general public.</p> <p>These items include but are not limited to:</p> <ul style="list-style-type: none"> – Tractor tires – Vehicles on park property – Cables or railroad ties – Attaching equipment to trees, hand rails or other fixed items. <p>Trainers are allowed to bring yoga mats, water bottles, Dynamax medicine balls, rubber and TRX brand suspension bands.</p> |
| 7 | Impact on public use and priority of the permit | <p>Permit holders shall not interrupt existing use of an area by the general public and the public must always have access to park entrances. Blocking of public access is prohibited.</p> <p>Alternatively if a fitness camp or training session has already begun and is in process, the general public may not interrupt an ongoing fitness class.</p> |
| 8 | Fee for Adult Professional Services, intended to include fitness trainers, boot camp leaders and other exercise professionals | <p>Fee per Trainer, Instructor:</p> <p>\$50 Base Permit Fee (6 Months)</p> <p>Clients 0-3 per session, No Monthly Use Fee or Report is required</p> <p>Clients 4+ per session, Monthly Use Fee of \$.45/Per Client/Per Day</p> <p>Capped at \$1,500 per trainer, each 6 month permit period</p> |
| 9 | Fitness Zones | <p>Not applicable. Approved list of parks includes areas not allowed for commercial use, i.e. off-leash area at Auditorium Shores, public walkways and pre-defined use areas.</p> |
| 10 | Permit Credential | <p>ID Card with Photo for each permit holder. Permit Holders are required to wear or have with them the permit credential when conducting business on City property. City retains the right to request proof of permit by requesting</p> |

| Section | Description | Proposed Rule or Fee |
|---------|--|---|
| | | permit credential by any City of Austin employee. |
| 11 | Reporting Requirements | <p>Each trainer is required to remit payment and file revenue and use reports by the 10th day of the following month. Each report shall identify the total number of attendees per month, location and fee calculation:</p> <p>Total number of attendees per month X 0.45¢ = Monthly Fee</p> <p>All permit holders must have monthly financial reports that tie to the remitted fee reports. PARD shall have the right to audit and compare and any discrepancy may result in permit revocation.</p> |
| 10 | Enforcement | PARD Park Rangers and PARD Staff. Violations of this permit or PARD rules may result in the revocation of permit. Three (3) or more violations by any permit holder shall result in permanent removal from the program. |
| 11 | Parking Lots | Dedicated parking lots may not be used for any fitness, training or professional service purpose at any time. |
| 12 | Addition or Removal of Approved Park Locations | PARD Staff will review the addition and/or deletion of approved locations at each 6 month review of the permitting program. |
| 13 | Commercial Youth Programming on Parkland | Commercial youth programming will be considered with completion of a class/program proposal for programming through a PARD recreational facility that presents a need and interest in the proposed services. To submit class/program proposals please contact Cheryl Bolin, Central Programs Division Manager, at (512) 974-3920 or Cheryl.Bolin@austintexas.gov . |

Exhibit B

Commercial Use of Dedicated Parkland for Personal Training and Other Outdoor Professional Services Monthly Revenue and Activity Report Due no later than the 10th day of the following reporting month*

Permit Holder Information

Name: _____
Company Name: _____
Permit Number: _____

Reporting Month:

- | | |
|-----------------------------------|------------------------------------|
| <input type="checkbox"/> January | <input type="checkbox"/> July |
| <input type="checkbox"/> February | <input type="checkbox"/> August |
| <input type="checkbox"/> March | <input type="checkbox"/> September |
| <input type="checkbox"/> April | <input type="checkbox"/> October |
| <input type="checkbox"/> May | <input type="checkbox"/> November |
| <input type="checkbox"/> June | <input type="checkbox"/> December |

Monthly Fee Calculation

| Personal Training or Other Outdoor Professional Services Use and Revenue Report |
|--|
| Total Clients for the Month (x): _____ Rate per client per day: 0.45¢ Monthly Fee= Total Clients (x) X 0.45¢ Monthly Fee = _____ X 0.45¢ Monthly Fee = _____ |
| Location of Classes: |
| Primary Location(s) of permit holder: _____ _____ |
| Other Location(s) used by permit holder: _____ _____ |

Applicant's Verification:

I verify that all of the above information is true. I have also read, understand, and will comply with the park use policies and procedures as set forth by the City of Austin Parks and Recreation Department.

Signature of Applicant / Printed Name / Date

****If the 10th falls on a City of Austin recognized holiday or weekend (Saturday or Sunday), report will be due the following business day.***



Exhibit C

City of Austin
Parks and Recreation Department
Commercial Use of Dedicated Parkland
Daily Use Summary

Complete the Daily Use Summary **Exhibit C** by submitting the cumulative number of clients served per day and calculating the daily use fee. At the end of the month, sum up each column. Those figures should be equivalent to the totals submitted in the monthly revenue and activity report **Exhibit B**. Submit **Exhibit B** and **Exhibit C** to the Parks and Recreation Department's point of contact no later than the 10th day of the following reporting month.

Month Reported: _____

| Day of Month | Number of clients per day (x) | = (x) * \$0.45 |
|----------------|----------------------------------|------------------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |
| 5 | | |
| 6 | | |
| 7 | | |
| 8 | | |
| 9 | | |
| 10 | | |
| 11 | | |
| 12 | | |
| 13 | | |
| 14 | | |
| 15 | | |
| 16 | | |
| 17 | | |
| 18 | | |
| 19 | | |
| 20 | | |
| 21 | | |
| 22 | | |
| 23 | | |
| 24 | | |
| 25 | | |
| 26 | | |
| 27 | | |
| 28 | | |
| 29 | | |
| 30 | | |
| 31 | | |
| Monthly Totals | =Monthly Clients Served | =Monthly Use Fee |

Submitted by: _____

Signature: _____

Exhibit D

Insurance Requirements

The following outlines the insurance requirements that **are** required for you to be a commercial health and fitness service provider in the City of Austin park system. Please give this document to your insurance agent. He/she will assist you in meeting the insurance requirements. Additionally, your insurance agent should send PARD a Certificate of Insurance so that we may have verification of your coverage on file.

A. General Requirements.

- (1) The registrant shall at a minimum carry insurance in the types and amounts indicated below for the duration of the Contract and during any warranty period.
- (2) The registrant shall forward Certificates of Insurance with the endorsements required below to the City as verification of coverage.
- (3) Registrant shall not commence sessions until the required insurance is obtained and has been reviewed by City. Approval of insurance by City shall not relieve or decrease the liability of Registrant hereunder and shall not be construed to be a limitation of liability on the part of Registrant.
- (4) Registrant's insurance coverage shall be written by companies licensed to do business in the State of Texas at the time the policies are issued and shall be written by companies with A.M. Best ratings of B+VII or better.
- (5) All endorsements naming the City as additional insured, waivers, and notices of cancellation endorsements as well as the Certificate of Insurance shall contain the following information:

**City of Austin
Parks & Recreation Department
Attn: Contract Management
200 S. Lamar
Austin, Texas 78704**

- (6) The "other" insurance clause shall not apply to the City where the City is an additional insured shown on any policy. It is intended that policies required in the application, covering both City and Registrant, shall be considered primary coverage as applicable.
- (7) If insurance policies are not written for amounts specified below, Registrant shall carry Umbrella or Excess Liability Insurance for any differences in amounts specified. If Excess Liability Insurance is provided, it shall follow the form of the primary coverage.
- (8) City shall be entitled, upon request and without expense, to receive certified copies of policies and endorsements thereto and may make any reasonable requests for deletion or revision or modification of particular policy terms, conditions, limitations, or exclusions except where policy provisions are established by law or regulations binding upon either of the parties hereto or the underwriter on any such policies.
- (9) City reserves the right to review the insurance requirements set forth during the effective period of this permit and to make reasonable adjustments to insurance coverage, limits, and exclusions when deemed necessary and prudent by City based upon changes in statutory law, court decisions, the claims history of the industry or financial condition of the insurance company as well as Registrant.
- (10) Registrant shall not cause any insurance to be canceled nor permit any insurance to lapse during the term of the permit or as required in permit rules.
- (11) Registrant shall be responsible for premiums, deductibles and self-insured retentions, if any, stated in policies. All deductibles or self-insured retentions shall be disclosed on the Certificate of Insurance.

- (12) The insurance coverage's specified below are required minimums and are not intended to limit the responsibility or liability of the Registrant.

B. Specific Requirements.

Note: If you are a sole proprietor, then section B1: Worker's Compensation and Employers' Liability Insurance, does not apply to you. Instead, refer to Exhibit E, Workers' Compensation Insurance Requirement for Sole Proprietors. There, you will find a letter which you need to place on your company letterhead, sign, date, and return to PARD. The letter tells PARD that you are a sole proprietor and therefore do not need worker's compensation insurance. However, if you have employees performing services, this insurance is required.

- (1) Worker's Compensation and Employers' Liability Insurance. Coverage shall be consistent with statutory benefits outlined in the Texas Worker's Compensation Act (Section 401). The minimum policy limits for Employer's Liability are \$100,000 bodily injury each accident, \$500,000 bodily injury by disease policy limit and \$100,000 bodily injury by disease each employee.
- (a) The Registrant's policy shall apply to the State of Texas and include these endorsements in favor of the City of Austin:
- (i) Waiver of Subrogation, Form WC 420304
- (ii) Thirty (30) days Notice of Cancellation, Form WC 420601
- (2) Commercial General Liability Insurance. The minimum bodily injury and property damage per occurrence are \$500,000 for coverage's A and B.
- (a) The policy shall contain the following provisions:
- (i) Blanket contractual liability coverage for liability assumed under this Contract and all Contracts related to this project.
- (ii) Independent Registrant's Coverage.
- (b) The policy shall also include these endorsements in favor of the City of Austin:
- (i) Waiver of Subrogation, Endorsement CG 2404
- (ii) Thirty (30) days Notice of Cancellation, Endorsement CG 0205
- (iii) The City of Austin listed as an additional insured, Endorsement CG 2010
- (3) Professional Liability Insurance Coverage. At a minimum limit of \$100,000 per claim, to pay on behalf of the assured all sums which the assured shall become legally obligated to pay as damages by reason of any negligent act, error, or omission arising out of the performance of professional services under this permit.

If coverage is written on a claims made basis, the retroactive date shall be prior to or coincident with the date of the application and the certificate of insurance shall state that the coverage is claims made and indicate the retroactive date.



Exhibit E

Workers' Compensation Insurance Requirement for Sole Proprietors

This letter can be used by a sole proprietor who will complete the entire job by himself with no employees or subcontractors. The letter shall be written on the contractor's letterhead and be submitted with the certificate of insurance indicating coverage for all other lines of insurance required by the City of Austin.

This statement is being submitted in lieu of a certificate of insurance for the workers' compensation insurance coverage required by the City of Austin. I am a sole proprietor with no employees. (Name of activity) _____ will be completed by myself without employees or subcontracted assistance.

I understand that if I hire anyone as an employee I will purchase Workers' Compensation Insurance coverage for the required limits and provide a certificate of insurance indicating this coverage immediately. If I hire a subcontractor I will provide the City of Austin with the required proof of insurance for Workers' Compensation for each subcontractor. I understand that Workers' Compensation is required of all subcontractors.

Print Instructor's Name

Date

Instructor's Signature